

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257 -PBS

This document relates to:)	
)	Judge Patti B. Saris
THE CITY OF NEW YORK, <i>et al.</i>)	
)	
v.)	
)	
ABBOTT LABS, <i>et al.</i>)	
)	

**PLAINTIFFS' STATUS REPORT:
OUTSTANDING INDIVIDUAL MOTIONS TO DISMISS**

Pursuant to the Court's June 11, 2008 Order requesting a status report of all outstanding individual motions to dismiss the City of New York and New York Counties' consolidated complaints, plaintiffs respectfully file the attached spreadsheet listing the original individual motion to dismiss and docket number, the renewed individual motion to dismiss and docket number and the current status of each motion.

Dated: June 23, 2008

KIRBY McINERNEY LLP

By: _____/s/_____
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James P. Carroll Jr., Esq.
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*On behalf of the MDL litigating New York Counties,
other than the Counties of Nassau and Orange*

CERTIFICATE OF SERVICE

I, James P Carroll Jr, hereby certify that I caused a true and correct copy of the foregoing **PLAINTIFFS' STATUS REPORT: OUTSTANDING INDIVIDUAL MOTIONS TO DISMISS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: June 23, 2008

/s/ James P Carroll Jr

James P. Carroll Jr.

PLAINTIFFS' STATUS REPORT:
OUTSTANDING INDIVIDUAL MOTIONS TO DISMISS
(City of New York, et al. v. Abbott Labs, et al., MDL 1456)

Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
AMGEN INC.	2188	DEFENDANT AMGEN INC.'S INDIVIDUAL MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS THE CONSOLIDATED COMPLAINT OF PLAINTIFFS NEW YORK CITY AND THE NEW YORK COUNTIES OTHER THAN NASSAU AND THE NASSAU COUNTY SECOND AMENDED COMPLAINT	4386	AMGEN INC.'S RENEWED MOTION TO DISMISS THE NEW YORK COUNTIES' COMPLAINT [DOCKET NO. 2188]	<i>Sub judice. No</i> admentments or termination of parties.
ASTRAZENECA PHARMACEUTICALS, LP & ASTRAZENECA LP	2197	ASTRAZENECA DEFENDANTS' INDIVIDUAL MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND NEW YORK COUNTIES OTHER THAN NASSAU AND THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY		NONE	<i>Sub judice. No</i> admentments or termination of parties.
BAYER CORPORATION	Not on ECF, but served on File & Serve (Lexis ID. 10713640)	INDIVIDUAL MEMORANDUM OF BAYER CORPORATION IN SUPPORT OF ITS MOTION TO DISMISS (1) THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU AND (2) THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY	4391	DEFENDANT BAYER CORPORATION'S NOTICE OF ITS RENEWAL OF ITS PENDING INDIVIDUAL MOTION TO DISMISS IN RESPONSE TO PLAINTIFFS' FIRST AMENDED CONSOLIDATED COMPLAINT	<i>Sub judice. No</i> admentments or termination of parties.

PLAINTIFFS' STATUS REPORT:
OUTSTANDING INDIVIDUAL MOTIONS TO DISMISS
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Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
BEN VENUE	2200	SEPARATE MEMORANDUM OF DEFENDANT BEN VENUE LABORATORIES, INC., IN SUPPORT OF ITS MOTION TO DISMISS THE NASSAU COUNTY SECOND AMENDED COMPLAINT		N/A	<i>Party dismissed without prejudice as to Nassau County (June 6, 2006 Hearing)</i>
BIOGEN IDEC INC.	2210	BIOGEN IDEC INC.'S SEPARATE MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS (1) THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU AND (2) THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY		NONE	<i>Sub judice. No admissions or termination of parties.</i>
BOEHRINGER INGELHEIM CORPORATION	2199	SEPARATE MEMORANDUM OF DEFENDANT BOEHRINGER INGELHEIM CORPORATION IN SUPPORT OF ITS MOTION TO DISMISS	4402	MOTION TO RENEW DOCKET # 2199 SEPARATE MEMORANDUM OF DEFENDANT BOEHRINGER INGELHEIM CORPORATION IN SUPPORT OF ITS MOTION TO DISMISS	<i>Sub judice. No admissions or termination of parties.</i>
CHIRON CORPORATION	2187	DEFENDANT CHIRON CORPORATION'S MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS THE CONSOLIDATED NEW YORK CITY AND COUNTY COMPLAINT AND THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY	4372	DEFENDANT CHIRON CORPORATION'S RENEWED MOTION TO DISMISS THE CONSOLIDATED NEW YORK CITY AND NEW YORK COUNTIES FIRST AMENDED CONSOLIDATED COMPLAINT	<i>Sub judice. No admissions or termination of parties.</i>

PLAINTIFFS' STATUS REPORT:
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Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
ELI LILLY AND COMPANY	2192	Eli Lilly and Company's Separate Memorandum in Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and New York Counties Other than Nassau and (2) The Second Amended Complaint of Nassau County	4374	ELI LILLY AND COMPANY'S RENEWED MOTION TO DISMISS THE NEW YORK COUNTIES' FIRST AMENDED CONSOLIDATED COMPLAINT ON THE GROUND THAT IT PREVIOUSLY WAS DISMISSED FROM THIS CASE PURSUANT TO THE COURT'S "SUFFOLK 13" DECISION	<i>Sub judice.</i> No admentments or termination of parties.
EMD, INC.	2204	Individual Memorandum of Law of Defendant EMD, Inc. in Support of It's Motion to Dismiss		NONE	<i>Sub judice.</i> No admentments or termination of parties.
ENDO PHARMACEUTICALS INC.	2198	DEFENDANT ENDO PHARMACEUTICALS INC.'S INDIVIDUAL MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU	4385	DEFENDANT ENDO PHARMACEUTICALS INC.'S RENEWAL OF ITS INDIVIDUAL MOTION TO DISMISS THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU	<i>Sub judice.</i> No admentments or termination of parties.
FOREST LABORATORIES, INC & FOREST PHARMACEUTICALS	2191	Defendants Forest Laboratories, Inc. and Foest Pharmaceuticals, Inc.'s Memorandum of Law of in Support of Motion to Dismiss (1) The Consolidated Complaint of New York City and New York Counties Other than Nassau and (2) The Second Amended Complaint of Nassau County		NONE	<i>Sub judice.</i> No admentments or termination of parties.

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Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
IVAX CORPORATION, IVAX PHARACEUTICALS, INC. AND BARR LABORATORIES, INC.		NONE	4388	IVAX CORPORATION, IVAX PHARACEUTICALS, INC. AND BARR LABORATORIES, INC.'S JOINT RENEWED MOTION TO DISMISS THE NEW YORK COUNTIES' FIRST AMENDED CONSOLIDATED COMPLAINT ON THE GROUND THAT THEY WERE PREVIOUSLY DISMISSED FROM THIS CASE PURSUANT TO THE COURT'S "SUFFOLK 13" DECISION	<i>Sub judice.</i> No admentments or termination of parties.
MEDIMMUNE INC.	2201	DEFENDANT MEDIMMUNE, INC.'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS (1) THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU AND (2) THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY		NONE	<i>Sub judice.</i> No admentments or termination of parties.
MERCK & CO	2208	SEPARATE MEMORANDUM OF MERCK & CO., INC. IN SUPPORT OF ITS MOTION TO DISMISS		NONE	<i>Sub judice.</i> No admentments or termination of parties.
MYLAN LABORATORIES INC., MYLAN PHARMACEUTICALS INC. & UDL LABORATORIES INC.	2205	The Mylan Defendants' Individual Memorandum of Law in Support of Their Motion to Dismiss		NONE	<i>Sub judice.</i> No admentments or termination of parties.

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Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
NOVARTIS PHARMACEUTICALS CORP.	2195	Defendant Novartis Pharmaceuticals Corporation's Memorandum of Law in Support of Its Motion to Dismiss the Consolidated Complaint of Plaintiffs New York City and the New York Counties Other Than Nassau and the Nassau County Second Amended Complaint		NONE	<i>Sub judice.</i> No admentments or termination of parties.
PAR PHARMACEUTICALS COMPANIES, INC. & PAR PHARMACEUTICAL, INC.	2203	INDIVIDUAL MEMORANDUM OF DEFENDANTS PAR PHARMACEUTICAL COMPANIES, INC. AND PAR PHARMACEUTICAL, INC. IN SUPPORT OF THEIR MOTION TO DISMISS THE CORRECTED CONSOLIDATED COMPLAINT AND THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY		NONE	<i>Sub judice.</i> No admentments or termination of parties.
PFIZER INC., PHARMACIA CORPORATION, GREENSTONE LTD & AGOURON PHARMACEUTICALS, INC.	2189	Separate Memorandum of the "Pfizer Defendants" in Support of Their Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff New York Counties Other Than Nassau and (2) the Second Amended Complaint of Nassau County		NONE	<i>Sub judice.</i> No admentments or termination of parties.

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Defendant Party	Original Docket Number	Original Individual Motion to Dismiss Document Name	Renewed Docket Number	Renewed Document Name	STATUS
PURDUE PHARMA L.P., PURDUE FREDERICK COMPANY, AND PURDUE PHARMA COMPANY	2206	INDIVIDUAL MEMORANDUM OF PURDUE PHARMA L.P., PURDUE FREDERICK COMPANY, AND PURDUE PHARMA COMPANY IN SUPPORT OF THEIR MOTION TO DISMISS (1) THE CONSOLIDATED COMPLAINT OF NEW YORK CITY AND PLAINTIFF NEW YORK COUNTIES OTHER THAN NASSAU AND (2) THE SECOND AMENDED COMPLAINT OF NASSAU COUNTY	4390 & 4404	MOTION TO RENEW DOCKET NO. 2223, INDIVIDUAL MEMORANDUM OF DEFENDANTS PURDUE PHARMA L.P., PURDUE FREDERICK COMPANY, AND PURDUE PHARMA COMPANY'S IN SUPPORT OF THEIR MOTION TO DISMISS THE NEW YORK COUNTIES' FIRST AMENDED CONSOLIDATED COMPLAINT	<i>Sub judice.</i> No amendments or termination of parties.
TAP PHARMACEUTICALS PRODUCTS INC.	2190 & 2211	DEFENDANT TAP PHARMACEUTICAL PRODUCTS INC.'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANTS' JOINT MOTION TO DISMISS	4389	Tap Pharmaceutical Products Inc.'s Motion to Renew Supplemental Motion to Dismiss and Reassert Reply Memorandum to Plaintiffs' Response to Motion to Dismiss	<i>Sub judice.</i> No amendments or termination of parties.
SANDOZ INC.	2202	Defendant Sandoz Inc.'s Supplemental Memorandum of Law Regarding Multiple Source Generic Drug Products in Support of Defendants' Motion to Dismiss the Corrected Consolidated Complaint and the Second Amended Complaint of Nassau County. THIS BRIEF WAS INCORPORATED BY REFERENCE BY 24 OTHER GENERIC DEFENDANTS		N/A	ADDRESSED BY APRIL 7, 2007 & July 30, 2007 ORDERS

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SANOFI SYNTHELABO	2220	Sanofi-Synthelabo's Individual Memorandum of Law In Support of Motion to Dismiss (1) The Consolidated Complaint of New York City and Plaintiff New York Counties Other Than Nassau and (2) The Second Amended Complaint of Nassau County		N/A	SETTLEMENT. PARTY DISMISSED
Wyeth	Not on ECF, but served on File & Serve (Lexis ID. 10716991)	Defendant Wyeth's Supplemental Memorandum in Support of Motion to Dismiss The Consolidated New York City and County Complaint and the Second Amended Complaint of Nassau County	4435	Defendant Wyeth's Renewal of It's Motion to Dismiss the Complaint filed by NYC and the NY Counties, including Nassau County	Sub judice. No admentments or termination of parties.